HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 26281 of 2006

Date 2-8-2007

Between:
The Government of Andhra Pradesh rep. By its Principal Secretary, Home Department, Secretariat, Hyderabad and others.

.....
PETITIONERS

AND
Mohd. Mastan and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.26281 of 2006

ORDER: (per Smt. T.Meena Kumari,J)

The Department filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 2.9.2005 in O.A. No. 4324 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same.

The brief facts of the case are that the respondents herein filed the aforementioned O.A. before the Tribunal assailing the proceedings bearing C. No. E1/124/2004, dated 14.11.2004 of the Deputy Inspector General of Police, Hyderabad and the impugned memo No. 25991/Legal.1/A1/2004, dated 10.5.2005 of the Principal Secretary, Home (Police) Department, Secretariat, Hyderabad and declare the same as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

The Tribunal, by the order impugned in this writ petition dated 2.9.2005, while admitting the O.A. passed interim order directing the departmental authorities to accord regulairsation to the applicants in the category of S.I. in Zone-V from their initial appointment as OSSIs. (i.e. between 1983-88) and give them appropriate placement in "B" and "A" lists of S.Is. in Zone V. Aggrieved by the same, the Department filed the present writ petition.

Admittedly, the Tribunal through the impugned order, only granted interim order and it did not pass any final order in the O.A. In the circumstances, we do not find any valid ground to entertain this writ petition filed under Article 226 of the Constitution of India. However, the Department

is at liberty to file appropriate application before the Tribunal seeking vacation of the said interim order.

At this stage, learned Government Pleader for Services-I has submitted that the Department has filed V.M.A. No. 4 of 2006 before the Tribunal seeking vacation of the interim orders passed by it and the same is pending for adjudication.

In the circumstances, we direct the Tribunal to pass appropriate orders on the vacate petition filed by the Department in V.M.A. No. 4 of 2006 within a period of two weeks from the date of receipt of a copy of this order. Further, the learned Government Pleader shall ensure that the said V.M.A. is listed for hearing before the Tribunal.

The writ petition is accordingly dismissed. No costs.

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(T. MEENA KUMARI,J)

Date: 2nd August, 2007

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(G. CHANDRAIAH,J)

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